APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,543	10/30/2003	Scott Lynn Maddux	AGLE0061	3050

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EXAMINER
LERNER, MARTIN

ART UNIT	PAPER NUMBER
2626	

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10/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/699,543	MADDUX ET AL.
	Examiner	Art Unit	
	Martin Lerner	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 September 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>5 to 9, 11 to 20, and 22 to 30</u> is/are pending in the application.

    4a) Of the above claim(s) <u>5 to 9, 11, 16 to 20, 22 to 24, and 30</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>12 to 15 and 25 to 29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicants' election without traverse of Group III, Claims 12 to 15 and 25 to 29, in the reply filed on 20 September 2007 is acknowledged.

2.   Claims 5 to 9, 11, 16 to 20, 22 to 24, and 30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 20 September 2007.

Specification

3.   The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicants are required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

On Page 8, Line 6, http://www.voicexml.org/spec, html should be deleted.

4.   The disclosure is objected to because of the following informalities:

On Page 15, Line 1, "S arch" should be "Search".

Appropriate correction is required.

Claim Objections

5.   Claims 12 to 15 and 25 to 28 are objected to because of the following

informalities:

Independent claims 12 and 25 contain the term "said grammar-to-be-linked",

which lacks antecedent basis. The claims should recite a first grammar and a second

grammar, where the second grammar is a grammar-to-be-linked.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 12, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated

by *Houser et al.*

Regarding independent claim 12, *Houser et al.* discloses a method for controlling

access to broadcast information, comprising:

"defining an utterance that links two grammars in two parts" – spoken sounds or

words ("utterances") include commands "GOTO ESPN" or "FIND STAR TREK" (column

29, lines 14 to 22; column 30, lines 26 to 42); information distribution center 12 may

transmit to terminal unit 16 grammar information which specifies how the words and

commands may be used (column 8, lines 29 to 38); a command grammar specifies how

the words of a first vocabulary may be used (column 18, line 60 to column 19, line 4); a

command "GOTO ESPN" or "FIND STAR TREK" links a first grammar for "GOTO" or

"FIND" with a second grammar for a valid channel or program title "ESPN" or "STAR

TREK"; A "GOTO" command is found in a Table II for a legal spoken command, channel

identifiers are found in Table III, and program titles are found in an electronic

programming guide (column 24, lines 1 to 34; column 28, line 50 to column 29, line 22;

column 23, lines 51 to 67);

"wherein a first part is a keyword, for information-type specific grammars, or a

command for command grammars" – vocabulary data may define commands which a

user may speaker to access information, or to perform a keyword search of titles

(column 7, line 61 to column 8, line 28); thus, "GOTO" may be a command and "FIND"

may be keyword for an "information-type specific grammar";

"wherein contents of said grammar-to-be-linked are imported to include all

alternatives for a second part of said utterance" – grammars and vocabularies are

downloaded to subscriber terminal unit 160 from head-end installation 125; head-end

installation 125 is preferably provided with the capability of selecting only certain

portions of the EPG data to be transmitted to subscriber terminal units; the downloaded

vocabulary will be affected by the scope of the downloaded EPG information; if the

subscriber has selected a priced option which provides for title-addressable program

selection (e.g., "FIND STAR TREK"), then the vocabulary data for the programming

period selected (1 to 14 days) will be downloaded with the EPG data (column 22, line 33

to column 23, line 6); channel identifiers (e.g., CBS, NBC, ESPN, etc.) are additional

vocabulary data that may be downloaded from head-end installation 125 to permit a

user to speak commands including channel identifiers instead of channel numbers

(column 28, line 50 to column 29, line 22); thus, downloaded information includes "all

alternatives for a second part of said utterance" for channel identifiers and program titles

in commands "GOTO ESPN" or "FIND STAR TREK".

Regarding claim 13, *Houser et al.* discloses at least "explicitly" linking

information-type specific information for a command by expressly requiring a channel

identifier "ESPN" in "GOTO ESPN" (column 28, line 50 to column 29, line 22), but could

also refer "implicitly" to a channel in a command for a "LAST" channel (column 18, line

27 to 60).

Regarding claim 15, *Houser et al.* discloses that an electronic programming

guide provides program descriptions which include the title and other information ("type

attributes") such as ratings (column 23, lines 51 to 67); EPG information is downloaded

to a subscriber unit with EPG data (column 22, line 33 to column 23, line 6);

commanding "FIND STAR TREK" will cause a search of the EPG data to be carried out,

which will move to a grid location where the next occurrence of the program occurs

(column 30, lines 26 to 42); thus, a search of a title involves a "type attribute" to

determine what grid information to display to a subscriber next, which provide the

options for further user selection.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 25, 26, and 28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over *Houser et al.* in view of *Zuberec et al.*

Concerning independent claim 25, *Houser et al.* discloses an apparatus for

controlling access to broadcast information, comprising:

"at least one speech-controlled application that uses a set of commands

indicated by either speech, or optionally, by input from a device" – a system for

controlling access to broadcast information receives utterances of a speaker and

recognizes commands for controlling a device or commands for accessing information

(Abstract; column 5, line 54 to column 6, line 14);

"a set of grammars, composed of utterances, in which speech commands are

specified" – vocabulary data may define commands which a user may speak to access

information, or to perform a keyword search of titles (column 7, line 61 to column 8, line

28); grammars include a first vocabulary and command grammar for executing simple

commands (column 18, line 21 to column 19, line 4: Table 1), an additional vocabulary

for commands implementing control of an electronic programming guide (column 23,

line 51 to column 24, line 34: Table II), an electronic programming guide for providing

program descriptions (column 23, lines 51 to 67), and channel identifiers for executing

commands using channel identifiers (column 28, line 50 to column 29, line 22: Table. III);

"wherein said grammars comprise: a set of items, wherein each item comprises a

word or phrase that can be spoken" – each title of the electronic programming guide

and each of the words in Tables I, II and III is "a set of items" that "comprises a word or

phrase that can be spoken";

"an associated set of attributes that provide more information about said item" –

an electronic programming guide provides program descriptions which include the title

and other information ("an associated set of attributes") such as ratings (column 23,

lines 51 to 67); thus, at least an electronic programming guide contains attributes for

title and rating of a program, which are "more information about said item";

"wherein an utterance links two grammars in two parts:" – spoken sounds or

words ("utterances") include commands "GOTO ESPN" or "FIND STAR TREK" (column

29, lines 14 to 22; column 30, lines 26 to 42); the two parts are a first part of "GOTO" or

"FIND" and a second part of "ESPN" or "STAR TREK";

"wherein a first part is a keyword, for information-type specific grammars, or a

command for command grammars" – vocabulary data may define commands which a

user may speak to access information, or to perform a keyword search of titles (column

7, line 61 to column 8, line 28); thus, "GOTO" may be a command and "FIND" may be

keyword for an "information-type specific grammar";

"wherein contents of said grammar-to-be-linked are imported to include all

alternatives for a second part of said utterance" – grammars and vocabularies are

downloaded to subscriber terminal unit 160 from head-end installation 125; head-end

installation 125 is preferably provided with the capability of selecting only certain

portions of the EPG data to be transmitted to subscriber terminal units; the downloaded

vocabulary will be affected by the scope of the downloaded EPG information; if the

subscriber has selected a priced option which provides for title-addressable program

selection (e.g., "FIND STAR TREK"), then the vocabulary data for the programming

period selected (1 to 14 days) will be downloaded with the EPG data (column 22, line 33

to column 23, line 6); channel identifiers (e.g., CBS, NBC, ESPN, etc.) are additional

vocabulary data that may be downloaded from head-end installation 125 to permit a

user to speak commands including channel identifiers instead of channel numbers

(column 28, line 50 to column 29, line 22); thus, downloaded information includes "all

alternatives for a second part of said utterance" for channel identifiers and program titles

in commands "GOTO ESPN" or "FIND STAR TREK".

Concerning independent claim 25, *Houser et al.* suggests highlighting words that

are commands in order to cue the user in a manner of features of Microsoft® Windows®

Help (column 18, lines 14 to 20), but does not expressly disclose "an associated set of

attributes that provide more information about said grammar as a whole". However,

Zuberec et al. teaches a speech recognition system with changing grammars and a

grammar help command, where a user's spoken commands include a help command of

"What can I say". (Column 7, Lines 48 to 58; Column 8, Line 46 to Column 10, Line 22)

Basically, the help command provides a list of what commands are valid at every point

of a dialog as a grammar changes due to a current context. Thus, a help command

provides an associated set of attributes providing more information about the grammar

as a whole because it provides a user with information about what can be said for any

valid command in a current context. An objective is to help a user to navigate new or

changing grammars in a speech recognition system. (Column 3, Line 46 to Column 4,

Line 5) It would have been obvious to one having ordinary skill in the art to include an

associated set of attributes that provide more information about the grammar as a whole

as taught by *Zuberec et al.* in a system for controlling access to broadcast information of

Houser et al. for a purpose of helping a user to navigate new or changing grammars in a

speech recognition system.

Concerning claim 26, *Houser et al.* discloses at least "explicitly" linking

information-type specific information for a command by expressly requiring a channel

identifier "ESPN" in "GOTO ESPN" (column 28, line 50 to column 29, line 22), but could

also refer "implicitly" to a channel in a command for a "LAST" channel (column 18, line

27 to 60).

Concerning claim 28, *Houser et al.* discloses that an electronic programming

guide provides program descriptions which include the title and other information ("type

attributes") such as ratings (column 23, lines 51 to 67); EPG information is downloaded

to a subscriber unit with EPG data (column 22, line 33 to column 23, line 6);

commanding "FIND STAR TREK" will cause a search of the EPG data to be carried out,

which will move to a grid location where the next occurrence of the program occurs

(column 30, lines 26 to 42); thus, a search of a title involves a "type attribute" to

determine what grid information to display to a subscriber next, which provide the options for further user selection.

10.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Houser et al.* in view of *Kuhn et al.*

Houser et al. discloses downloading grammars to a subscriber from a head-end installation (column 22, lines 33 to 63), which should implicitly involve "predetermining a navigation path and link" for the downloaded grammars. However, even if *Houser et al.* is taken to omit the limitation of "wherein an application predetermines a navigation path and link", *Kuhn et al.* teaches a system and method for retrieving interactive television information by speech recognition with a fixed grammar and an updatable or downloaded grammar. (Abstract) A fixed grammar represents a pre-defined set of goal-oriented tasks and an optional downloaded grammar can be added to the system to expand capability periodically. (Column 2, Lines 25 to 39) Electronic program guide data is updated on a periodic basis by accessing the internet, or obtained through the television system's cable or satellite link. (Column 3, Lines 59 to 65) Accessing a periodic update for a program guide from the internet, at least, determines "a navigation path and link", implicitly, by connecting to a site by HTTP. It would have been obvious to one having ordinary skill in the art to download grammars by a predetermined navigation path and link as taught by *Kuhn et al.* in a system for controlling access to broadcast information of *Houser et al.* for a purpose of updating and expanding a system capability periodically.

11.   Claims 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over *Houser et al.* in view of *Zuberec et al.* as applied to claim 25 above, and further in

view of *Kuhn et al.*

Concerning claim 27, *Houser et al.* discloses downloading grammars to a

subscriber from a head-end installation (column 22, lines 33 to 63), which should

implicitly "predetermine a navigation path and link" for the downloaded grammars.

However, even if *Houser et al.* is taken to omit the limitation of "wherein an application

predetermines a navigation path and link", *Kuhn et al.* teaches a system and method for

retrieving interactive television information by speech recognition with a fixed grammar

and an updatable or downloaded grammar. (Abstract) A fixed grammar represents a

pre-defined set of goal-oriented tasks and an optional downloaded grammar can be

added to the system to expand capability periodically. (Column 2, Lines 25 to 39)

Electronic program guide data is updated on a periodic basis by accessing the internet,

or obtained through the television system's cable or satellite link. (Column 3, Lines 59

to 65) Accessing a periodic update for a program guide from the internet, at least,

determines "a navigation path and link", implicitly, by connecting to a site by HTTP. It

would have been obvious to one having ordinary skill in the art to download grammars

by a predetermined navigation path and link as taught by *Kuhn et al.* in a system for

controlling access to broadcast information of *Houser et al.* for a purpose of updating

and expanding a system capability periodically.

Concerning claim 29, *Kuhn et al.* teaches a command "I'd like to watch another Marilyn Monroe movie" based on a dialog history of what the user has already viewed. (Column 5, Lines 27 to 46) Here, Marilyn Monroe is an actor/actress type ("selected item type"). A command "I'd like to watch another. . . ." is equivalent to a "more like this" command because it relies upon attributes about an actor/actress for a currently selected item type.

Response to Arguments

12. Applicants' arguments filed claim 17 July 2007 have been considered but are moot in view of the new grounds of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Junqua et al. and White et al. disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone
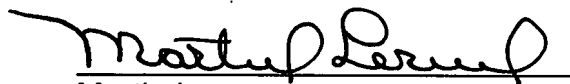
number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML
10/23/07

Martin Lerner
Examiner
Group Art Unit 2626